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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,866	04/04/2000	Kenji Hirasawa	Q58719	6171

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EXAMINER

LEE, SEUNG H

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/542,866

Applicant(s)

HIRASAWA, KENJI

Examin r

Seung H Lee

Art Unit

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-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. Receipt is acknowledged of the response filed on 26 November 2002, which has been entered in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 4,994,658, on the record)(hereinafter referred to as 'Takahashi') in view of Ohwa et al (US 5,850,079, in the record)(hereinafter referred to as 'Ohwa').

Takahashi teaches a shutter opening/closing mechanism with a shutter plate (20) which is movable between a first position where a card transporting path is closed (28)(shown in Fig. 9) and a second position where the card transporting path is opened (shown in Fig. 7) for inserting card wherein the card is inserted through the inserting slot, a drive source (12) for moving the shutter plate (20), a connecting member (11, 20, 21, and 22) for connecting a drive force of the drive source (12) to the shutter plate (20), wherein the opening/closing-side end face of the shutter plate is closed substantially parallel to the card transporting path at the closing position, and the opening/closing-side end face of the shutter plate is moved, by the drive source, substantially parallel to the card transporting path (see Fig. 1; col. 5, line 3 - col. 6, line 16), the drive source is a

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solenoid or wire (15), the connecting member includes a slide (20) moved by the solenoid (15) and two turning members (21) coupled together by the slide member (11), the opening/closing-side end face of the shutter plate is moved, by the two turning members, substantially parallel to the card transporting path (see Fig. 1; col. 5, line 3 - col. 6, line 16), the two connecting members (11) are coupled so as to follow the slide member in movement (x-axis direction), and a blocking portion (28) for blocking its movement from the turning member side is provided the two connecting members and the slide member (see Fig. 1; col. 5, line 3 - col. 6, line 16), the connecting member includes a slide member (20) moved by the drive source, and one turning member (17) coupled to the slide member, and the opening/closing-side end face of the shutter plate is moved, by the one turning member, substantially parallel to the card transporting path (see Fig. 7; col. 8, lines 33 - 49).

However, Takahashi fails to teach or fairly suggest that the shutter mechanism includes a card trap member detection.

Ohwa teaches the shutter opening/closing mechanism includes the card trap detection having a detecting part and a micro switches for preventing the shutter from moving into the closing position (see Fig. 1-13; col. 2, line 53 - col. 5, line 48). Ohwa also teaches the opening and closing of transporting path (see Fig. 10; col. 3, line 60- col. 4, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ohwa to the teachings of Takahashi in order to provide an improved and enhanced means for detecting the foreign material

trap in the insertion position. Moreover, such modification would reduce the card theft means by an unauthorized individual(s) from the accessing the system when the certain conditions are not clearly met, that is, when the opening of the insertion slot is not fully closed, the card reader will not provide further services as security caution, and therefore an obvious expedient.

Response to Arguments

4. Applicant's arguments filed 26 November 2002 have been fully considered but they are not persuasive.

In response to applicant's argument that Takahashi is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Takahashi teaches a reader/writer for an optical memory card comprising a transporting means for moving shutter plate having the optical card thereon between the opening position wherein the shutter plate (20) is accepting the optical card as shown in Fig. 7 and closing position wherein the shutter plate is located farther from the insertion slot as shown in Fig. 9 in which Takahashi clearly shows a shutter plate is moving by moving member (17) between the opening position and the closing position. Moreover, Takahashi reference is a divisional application of Takahashi et al. [US 4,933,537] in which the applicant submitted the as part of the IDS filed on the 05 November 2002

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(Paper NO. 16) disclosing a controlling of movement of the optical memory card.

Therefore the examiner believes that Takahashi reference is the proper analogues references.

In response to applicant's argument that "*Ohwa show the shutter.... According to the inventor's analysis.... Ohwa has defects follows.....*" (see page 4, line 1+), the Ohwa simply provide an evidence of using the shutter opening/closing mechanism having a card trap detection in order to prevent the shutter from moving into the closing position as discussed in paragraph 3 above. Therefore, when interpreting the claimed limitations as broadly as is reasonably possible, the combination of the teachings of Ohwa (as described above) and the system for controlling movement of the optical card as taught by Takahashi meets the claimed limitation.

In response to applicant's argument that Ohwa references has certain defects, i.e., the detecting characteristic inferior at the rotation side, the operation time is more than that of the present invention due to the rotation movement caused to the large inertia as compared with the present invention, operation force is inferior when the card urges against the shutter, and the shutter is made of aluminum, thus it is impossible to obtain SUS manner, it is noted that the features to overcome discussed defects above are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Suzuki et al. [US 4,935,916], Watanabe [US 5,696,269], Tsutsui [US 4,900,908], Kitahara [US 5,821,515], and Sugino et al. [US 5,196,687] disclose a writing/reading mechanism for carrying medium.


Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Seung H. Lee** whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**michael.lee@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
February 24, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800